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10/792,272	03/04/2004	Young Kuk Kim	LT-0035	5716
34610 7590 09/18/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
KHAN, ASHER R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,272

Applicant(s)

KIM ET AL.

Examiner

ASHER KHAN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Paragraphs 0007 and 0058 contains a word tide instead of title. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1-16 and 25-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims 1 and 25 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. It is not mentioned in the specification anywhere "entire program" specification mentions "an adult program", "a video program" and etc. (Abstract; 0017; 0019).

Claim 17-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim 1 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. It is not mentioned in the specification anywhere that a user selected code can be overwritten with another user-selected code. Specification only mentions in

Art Unit: 2621

paragraph second parental code can be generated even when first parental code is detected.

Response to Arguments

Applicant's arguments, filed March 21, 2008 with respect to claim 1-27 and 31 have been considered but are moot in view of the new grounds of rejection.

Applicant's arguments, filed March 21, 2008, with respect to 28-30 have been fully considered and are persuasive.

In re pages 14-15, applicants argue with respect to claim 28, that Ostrover patent does not teach the following features " the controller is configured to generate a second parental code as the parental code when the first parental code is not detected, the second parental code corresponding to one of a plurality of parental levels selected by a user for the video signal."

In response, the examiner respectfully disagrees. Ostrover discloses the controller (Fig. 1, Controller 22) is configured to generate a second parental code (a default code;0014; 0041) as the parental when the first parental code (Code entered by a viewer 0014;0041) is not detected, the second parental code corresponding to one of a plurality of parental levels selected by a user (Default value is assigned which is corresponding to parental levels selected by a user; Codes of fig. 3;0014;0041) for the video signal (Audio visual program scenes; 0010)". Therefore Ostrover does indeed teach the limitations of claim 28.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 8-16, 25, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,385,388 B1 to Lewis et al. "Lewis" in view of U.S. Patent 5,933,569 to Sawabe et al. "Sawabe" and in further view of U.S. Patent 6,519,412 to "Kim".

As to claims 1 and 25, Lewis discloses a method, comprising:
determining whether a first parental grade code is included with a video signal (Fig. 10, 123; Col. 7, lines 21-37);
generating an on screen display message when the first parental grade code is not included with the video signal (Fig. 10; Col. 7, lines 21-37);

Lewis does not expressly disclose generating second parental code wherein the second parental code corresponds to one of a plurality of parental levels selected by a user for the video signal;
generating information that indicates the generation of the second parental code;
and blocking viewing of an entire program corresponding to the video signal based on the second parental code.

Sawabe discloses generating second parental code wherein the second parental code corresponds to one of a plurality of parental levels selected by a user for the video signal and blocking viewing of an entire program corresponding to the video signal based on the second parental code (Abstract;

Art Unit: 2621

Figs. 6-11, 12A and 12B; Col. 2, lines 60-67, Col. 3, lines 1-18; Col. 14, lines 13-67, Col. 15, lines 1-32; Col. 12, lines, 30-67);

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis with the teachings of Swabe. Motivation to combine would have been to provide a parental code on a DVD that does not have a parental code already present on it. Thereby controlling production of programs according to their parental level and allowing parents to control exposure to video contents.

Kim discloses generating information that indicates the generation of the second parental code (Fig. 3A);

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Swabe and Kim. Motivation would have been to provide a password screen indicating password input requirement to allow only the allowed users to be able to change parental codes.

As to claim 2, Lewis further discloses wherein the first parental code is information received and associated with the video signal, wherein the video signal is received from an external source (Abstract; Fig. 10)

As to claim 3, Lewis further discloses wherein the first parental code is information recorded in a memory of a recordable medium (Col. 7, lines, 21-30).

As to claim 6, wherein the second parental code is generated as a value set by a user based on the detection result (Abstract; Figs. 6-11, 12A and 12B; Col. 2, lines 60-67, Col. 3, lines 1-18; Col. 14, lines 13-67, Col. 15, lines 1-32; Col. 12, lines, 30-67);

As to claim 8, Lewis further discloses wherein an optical disc includes a plurality of video programs (Fig. 1, VTS #n).

As to claim 9, Sawabe further discloses wherein an optical disc player includes a single parental code level (Col. 11, lines 36-42).

As to claim 10, Sawabe discloses wherein the information is time information indicating when the second parental code is generated (Fig. 15; Col. 14, lines 13-28, Col. 15, lines 5-32).

As to claim 11, Lewis discloses generating an on-screen display (OSD) menu including a number of playback control options (Fig. 5);

Lewis does not expressly disclose displaying a message including the information when a parental control option is selected from the menu, wherein the information includes the plurality, of parental levels in selectable form; receiving a signal from a user selecting one of the parental levels corresponding to the second parental code.

Kim further discloses displaying a message including the information when a parental control option is selected from the menu, wherein the information includes the plurality, of parental levels in selectable form (Fig. 3B); receiving a signal from a user selecting one of the parental levels corresponding to the second parental code (Fig. 3B; Col. 5, lines 26-30).

As to claim 12, Lewis further discloses wherein the displaying a message comprises one of displaying the message for a predetermined time before a corresponding video program plays back and displaying the message until acknowledged by appropriate user action (Fig. 9; Col. 7, lines 31-53)

As to claim 13, Sawabe Further discloses comprising recording the second parental code and information that indicates the generation of the second parental code (Col 15, lines 2-32; Fig. 1, video manager).

As to claim 14, Sawabe further discloses wherein the recording is performed on a mobile recording medium (Fig. 1A).

As to claim 15, Sawabe further discloses wherein a first memory area stores a video signal (Fig. 1, 3), wherein a second memory area stores the parental code for controlling a parental view (fig. 1, 2) where in parental code is configured to be renewed by a command, and wherein a third memory area stores information indicating the renewal of the parental code (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27).

As to claim 16, Sawabe discloses wherein the first, second and third areas are located in at least one of a recordable medium or an optical disc player (Fig. 1).

As to claim 27, Sawabe discloses further comprising:

a controller (Fig. 15, 75);

a memory (Fig. 15, 71);

an optical pickup for inputting and outputting data for a loaded recording medium (Fig. 16, 80).

Sawabe does not expressly disclose an on-screen generator;

Kim discloses an on-screen generator (Fig. 1, 205)

As to claim 31, Sawabe discloses further comprising:
storing the second parental code on a DVD or other recording medium with

Art Unit: 2621

information used to generate the video signal, said information used to generate the video signal blocked from viewing based on the second parental code stored on the DVD or other recording medium (Abstract; Col. 1 lines 46-67; Col. 2 line 1-8).

5. Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,933,569 to Sawabe et al. "Sawabe" and in view of U.S. Patent 6,519,412 to "Kim" and in further view of U.S. Patent Pub. 2002/0067671 A1 to Park.

As to claim 17, Sawabe discloses a recording medium (Fig. 1A), comprising:

a first memory area configured to store a video signal (Fig. 1, 3);

a second memory area configured to store a parental code that controls viewing access to a video program in the video signal (Fig. 1, 2)

a third memory area configured to store status information indicating the renewal of the parental code (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

Sawabe does not expressly disclose wherein the parental code is a user-selected code configured to be overwritten with another user-selected code by a command;

Kim discloses wherein the parental code is a user-selected code configured to be overwritten with another user-selected code by a command (Fig. 4; Col. 1, lines 7-14, lines 42-60; Col. 7, lines 25-30; Since rewritable discs were present at that time as shown in paragraph 0027 of U.S. Patent Pub.

Art Unit: 2621

2002/0067671 A1 to Park it would be obvious to overwrite over written DVD i.e. a new parental code on a DVD);

As to claim 18, Sawabe further discloses wherein the user- selected parental code is a prescribed second parental code used for controlling viewing when a video program stored on the recording medium does not contain a first parental code (Abstract; Col. 1, lines 46-67; Col. 2, line 1-7, lines 60-65).

As to claim 19, Sawabe further discloses wherein the second parental code is generated as a value set by a user (Col. 13, lines 37-44).

As to claim 20, Sawabe further discloses wherein the status information is time information when the parental code is generated (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

As to claim 21, Sawabe further discloses wherein the status information is time stamp information when the parental code is renewed (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

As to claim 22, Kim further discloses wherein the renewal of the parental code is at least one of reset by a user and operated by a password (Figs. 3A, 3B and Fig. 4).

As to claim 23, Sawabe further discloses wherein the status information is a history interval recording over a prescribed period of time (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

Art Unit: 2621

As to claim 24, Sawabe further discloses wherein the memory areas are provided on at least one of a memory provided in a mobile recording medium (Fig. 1).

6. Claims 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,385,388 B1 to Lewis et al. "Lewis" in view of U.S. Patent 5,933,569 to Swabe et al. "Swabe" and in view of U.S. Patent 6,519,412 to "Kim" and in further view of U.S. Patent Pub. 2003/0026593 A1 to Ostrover.

As to claim 4, Lewis as modified as proposed in claim 1 does not expressly disclose wherein the second parental code is generated as a default value based on the detection result.

Ostrover discloses wherein the second parental code is generated as a default value based on the detection result (0014;0041).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis as modified with the teachings of Ostrover. Motivation to combine would have been to generate a default code so that when a user is unable to enter a code for some reason a code is entered for the user automatically even though the user is not present.

As to claim 5, Lewis as modified as proposed in claim 1 does not expressly disclose wherein the default value is responsive to one of a source of the video signal.

Ostrover discloses wherein the default value is responsive to one of a source of the video signal (0025).

As to claim 7, Lewis as modified as proposed in claim 1 does not expressly disclose wherein the first and second parental codes are generated by a unit of a device producing the video program.

Ostrover discloses wherein the first and second parental codes are generated by a unit of a device producing the video program (Fig. 3, 0029).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis as modified with the teachings of Ostrover. Motivation to combine would have been to provide a mechanism to enter both first and second parental code so that parental codes can be added to a medium to control its reproduction.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,933,569 to Sawabe et al. "Sawabe" and in view of U.S. Patent 6,519,412 to "Kim" and in view of U.S. Patent Pub. 2002/0067671 A1 to Park and in further view of U.S. Patent Pub. 2003/0026593 A1 to Ostrover.

As to claim 26, Sawabe as modified as proposed in claim 1 above does not expressly disclose wherein the second parental code is one of a generated of generated as a default value and generated as a value set by a user.

Ostrover discloses wherein the second parental code is one of a generated of generated as a default value and generated as a value set by a user (0014;0041). In addition same motivation is used as the rejection of claim 4.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 28-30 are rejected under 35 U.S.C. 102(b) as being unpatentable by U.S. Patent Pub. No. 2003/0026593 A1 to Ostrover.

As to **claim 28**, Ostrover discloses an optical disc player, comprising: a first memory area configured to store a video signal (0025); a second memory (0038) area configured to store a parental code that controls viewing access to a video program in the video signal, wherein the parental code is configured to be renewed by a command (0014); and a controller configured to detect the parental code corresponding to a video signal, wherein the controller is configured to generate a second parental code as the parental code when the first parental code is not detected (0014) the second parental code corresponding to one of a plurality, of parental levels selected by a user for the

Art Unit: 2621

video signal (0014;0041).

As to **claim 29**, Ostrover further discloses comprising a third memory area configured to store status information indicating the renewal of the parental code (0019).

As to **claim 30**, Ostrover further discloses wherein the first memory area is on a loaded recording medium (0025).

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./

Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621